

Members

Rep. Ron Herrell, Chairperson  
Rep. Cleo Duncan  
Sen. Murray Clark  
Sen. Lindel Hume  
Erika Seydel Cheney



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## COMPLIANCE ADVISORY PANEL

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### MEETING MINUTES<sup>1</sup>

Meeting Date:	December 12, 2000
Meeting Time:	10:00 A.M.
Meeting Place:	State House, 200 W. Washington St., Room 233
Meeting City:	Indianapolis, Indiana
Meeting Number:	1

**Members Present:** Rep. Ron Herrell, Chairperson; Rep. Cleo Duncan; Sen. Murray Clark; Erika Seydel Cheney.

**Members Absent:** Sen. Lindel Hume.

Representative Herrell called the meeting to order.

Jim Mahern, Assistant Commissioner, IDEM Office of Pollution Prevention and Technical Assistance, began his presentation on Compliance and Technical Assistance Program ("CTAP") activities. Mr. Mahern submitted a Memorandum (Exhibit 1) on the subject.

Mr. Mahern noted that the Children's Health Initiative, which seeks to reduce exposure of children to toxic substances, has been made a part of the Commissioner's office to facilitate her direct involvement with the program.

In 1995, the Office of Pollution and Technical Assistance was created to deal confidentially with environmental issues of those who sought the assistance of the office. A data base was created this year to track the sources of inquiries by subject area and business sector. Information will be made public only to the extent that the names of individual companies

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

can be kept confidential. The office is currently trying to improve public awareness of the services offered. Mr. Mahern submitted a brochure (Exhibit 2) that will be distributed for this purpose. He noted that the number of inquiries from the public is increasing significantly.

Representative Herrell asked if, after an inquiry is addressed, the office performs a follow-up to determine the effectiveness of the program and the extent of compliance by the inquiring party. Mr. Mahern responded that many of those who make inquiries do not identify themselves. The newly developed data base asks for identification, and, if it is supplied and the inquiring party agrees, a follow-up is built into the system. Representative Herrell emphasized his view that it is particularly important to use the program to foster compliance, while minimizing fear that participation in the program could result in penalties for noncompliance. Representative Duncan expressed the view that incentives should be given by foregoing penalties to those willing to come forward. She also emphasized the importance of ongoing public education about the services of the program. Representative Herrell noted with approval the change generally at IDEM away from generation of revenue through fees and penalties. Erika Seydell Cheney, IDEM Small Business Ombudsman, noted that IDEM currently applies penalty reductions to those who come forward voluntarily, and to those who are willing to settle quickly. She also explained the general IDEM policy to work with businesses, and particularly to avoid putting businesses out of operation.

Ms. Cheney made a presentation concerning two conferences she attended recently. The 2000 National SBO/SBAP Conference and Training Event was held in June. Ms Cheney attended the conference, including a Compliance Advisory Panel ("CAP") training session. She compared the way the CAP works in Indiana as compared to other states. An effort will be made to offer a presentation from out of state CAP personnel to the Indiana CAP next year.

Ms. Cheney also attended the SBAP Region 5 Conference in October. The conference offered valuable information on public outreach, including the types of publications available, to foster compliance. She also visited two fiberglass plants, and was able to view the available methods for limiting styrene emissions.

Ms. Cheney also described her role as IDEM Small Business Ombudsman.

Representative Herrell asked if there is anything the General Assembly can do to assist in the efforts described by Mr. Mahern and Ms. Cheney. Mr. Mahern responded that the program is currently set up well, and that further resources are forthcoming.

Senator Clark asked how CTAP has dealt with confidentiality issues. Mr. Mahern responded by describing the extensive measures in place to protect the confidentiality of those who make inquiries. Senator Clark asked if there have been situations where enforcement proceedings and CTAP activities were underway at the same time. Mr. Mahern described the options available to diffuse the tensions between enforcement and the assistance efforts of CTAP.

Representative Herrell adjourned the meeting.